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July 31, 2008

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VIA HAND DELIVERY

The Honorable Judge William H. Pauley III
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
Room 2210
Courtroom 11D
New York, New York 10007

8/1/2008

JUDGE WILLIAM H. PAULEY

Re: NewMarkets Partners LLC et al. v. Sal Oppenheim Jr. CIE S.C.A., et al.
Civil Action No. 08-cv-4213

Dear Judge Pauley:

This firm represents Marie-France Mathes who was recently added as a defendant in the First Amended Verified Complaint ("Complaint") filed in the above-referenced action. The purpose of this letter is to request an extension of the time within which Ms. Mathes must respond to the Complaint.

Pursuant to Rule 1(E) of the Individual Practices of Judge William H. Pauley III, Undersigned Counsel states as follows:

1. Original Date For The Response

The Summons and Complaint were not personally served on Ms. Mathes. Rather, Plaintiffs' process server left a copy with someone at her residence in the District of Columbia. Apparently, this was done on July 16, 2008. Accordingly, Ms. Mathes' response to the Complaint is currently due on or before August 5, 2008.

2. The Reasons For The Request

There are two alternate reasons for the extension request. First, it is Undersigned Counsel's understanding that a scheduling conference has been set for September 5, 2008. It is our further understanding that the primary purposes of that conference is to ensure that all defendants have been served and to create a coordinated briefing schedule for responsive pleadings. Defendants Sal Oppenheim Jr., Cie. S.C.A. and Cam Private Equity Consulting & Verwaltungs GmbH have previously indicated their intention to file a motion to dismiss.

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Even though, as discussed below, Undersigned Counsel has not had an opportunity to fully digest the allegations of the lengthy Complaint, yet the numerous relevant issues raised by the Complaint and formulate a response, it appears that Ms. Mathes will also file a motion to dismiss which will be based, at least in part, on jurisdictional issues. Accordingly, Undersigned Counsel submits that the interests of judicial economy would be best served by continuing the deadline for Ms. Mathes' response until a schedule is set at the September 5, 2008 conference.

In the alternative, Undersigned Counsel requests a brief extension of two weeks for Ms. Mathes' response so that it would be due on or before August 19, 2008. The lengthy Complaint raises a number of procedural and substantive issues. Moreover, the Complaint was served at a time when Ms. Mathes' longstanding counsel, Gary Adler of this firm, was unavailable. For these reasons, Undersigned Counsel needs a brief extension of the deadline to prepare the response.

3. The Number of Previous Requests

This is the first request for an extension.

4. Consent

Gary Adler of this firm placed a telephone call to Plaintiffs' counsel, Bernard Daskal, inquiring as to whether consent would be given. Mr. Daskal was unavailable and Mr. Adler left a voice mail. He also sent a letter to Mr. Daskal with a copy to his co-counsel, Peter Farkas. Regrettably, Plaintiffs' counsel has not returned the telephone call nor responded to the letter. Thus, Undersigned Counsel is unsure as to whether Plaintiffs consent or not. In any event, it is readily apparent that no prejudice will result from the relief requested herein.

For these reasons, Undersigned Counsel respectfully requests that the Court extend the time within which Ms. Mathes must respond to the Complaint until the date scheduled at the September 5, 2008 conference. In the alternative, Undersigned Counsel respectfully requests the Court extend the deadline for two weeks so that the response would be due on or before August 19, 2008.

It is our understanding that the filing of this letter generally serves to stay the timing of our obligations under Rule 12 of the Federal Rules of Civil Procedure. Accordingly, we will respond to the Complaint in accordance with the ruling of this Court.

*Application granted.
Defendant Mathes' time to answer or
submit a pre-motion letter in accord
with this Court's individual practices is
extended until August 19, 2008.*

SO ORDERED:

William H. Pauley III U.S.D.J.
8/8/2008

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Very truly yours,

ROETZEL & ANDRESS, LPA


Donald Dinan

Bar No. DD 7985

cc: James P. Tallon (via facsimile)
Bernard Daskal (via facsimile)
L. Peter Farkas (via facsimile)

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